
SENATE BILL No. 277

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-46-1-5.

Synopsis: Nonsupport of a dependent. Makes nonsupport of a child a Class B felony if the person owes at least \$15,000 in unpaid support and has a prior unrelated conviction for nonsupport of a child as a Class C felony.

Effective: July 1, 2009.

Head

January 7, 2009, read first time and referred to Committee on Judiciary.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE BILL No. 277

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-46-1-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) A person who
3 knowingly or intentionally fails to provide support to the person's
4 dependent child commits nonsupport of a child, a Class D felony.
5 However, the offense is a:

6 **(1) Class C felony if the total amount of unpaid support that is due**
7 **and owing for one (1) or more children is at least fifteen thousand**
8 **dollars (\$15,000); and**

9 **(2) Class B felony if the total amount of unpaid support that**
10 **is due and owing for one (1) or more children is at least fifteen**
11 **thousand dollars (\$15,000) and the person has a prior**
12 **unrelated conviction for nonsupport of a child as a Class C**
13 **felony.**

14 (b) It is a defense that the child had abandoned the home of ~~his~~ **the**
15 **child's** family without the consent of ~~his~~ **the child's** parent or on the
16 order of a court, but it is not a defense that the child had abandoned the
17 home of ~~his~~ **the child's** family if the cause of the child's leaving was the



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1 fault of ~~his~~ **the child's** parent.
2 (c) It is a defense that the accused person, in the legitimate practice
3 of ~~his~~ **the person's** religious belief, provided treatment by spiritual
4 means through prayer, in lieu of medical care, to ~~his~~ **the person's**
5 dependent child.
6 (d) It is a defense that the accused person was unable to provide
7 support.
8 SECTION 2. [EFFECTIVE JULY 1, 2009] **IC 35-46-1-5, as**
9 **amended by this act, applies only to crimes committed after June**
10 **30, 2009.**

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